

ESTTA Tracking number: **ESTTA468787**

Filing date: **04/24/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Seattle Pacific Industries, Inc.		
Entity	Corporation	Citizenship	Washington
Address	1633 Westlake Avenue North Seattle, WA 98109 UNITED STATES		

Attorney information	Kevin S. Costanza Seed IP Law Group PLLC 701 Fifth Avenue Suite 5400 Seattle, WA 98104 UNITED STATES kevinc@seedip.com, litcal@seedip.com Phone:206-622-4900
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Applicant Information

Application No	85449657	Publication date	03/27/2012
Opposition Filing Date	04/24/2012	Opposition Period Ends	04/26/2012
Applicant	Culver, Keith 325 1/2 N. Pine St. Orange, CA 92866 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Denims; Headwear; Hooded pullovers; Hooded sweat shirts; Jackets; T-shirts; Tank tops; Woven bottoms; Woven tops

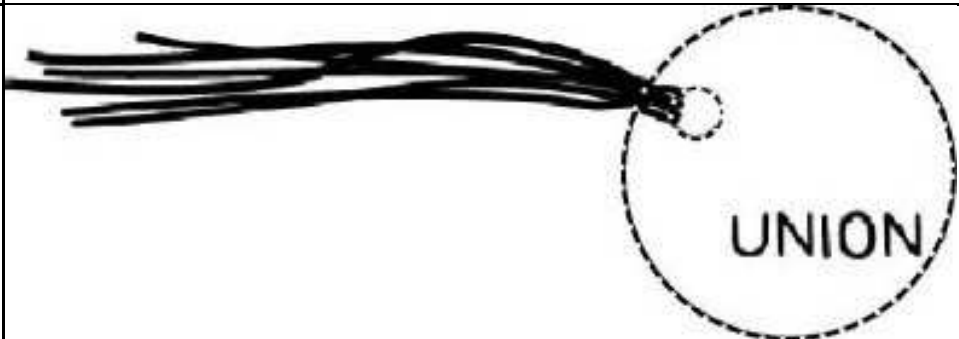
Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2927728	Application Date	01/20/2003
Registration Date	02/22/2005	Foreign Priority Date	NONE
Word Mark	UNION		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 025. First use: First Use: 1993/01/01 First Use In Commerce: 2000/11/01 clothing, namely, jackets, raincoats, sweatshirts, jerseys, shirts, blouses, pants, tights, shorts, hats, caps, sweatbands, headbands, gloves, belts, shoes, boots, socks
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U.S. Registration No.	3076424	Application Date	03/31/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	UNION		
Design Mark			
Description of Mark	The mark consists of the wording UNION on the lower right side a circular button. The button also has multiple threads attached to a small off-centered hole. The dotted lines represent that the shape of the button and the off-centered hole through which the threads are attached are not part of the mark.		
Goods/Services	Class 025. First use: First Use: 2005/02/01 First Use In Commerce: 2005/02/01 clothing, namely, jackets, shirts, tops, pants, shorts, jeans, and bottoms		

U.S. Registration No.	3082240	Application Date	03/31/2005
Registration Date	04/18/2006	Foreign Priority Date	NONE
Word Mark	U UNION		
Design Mark			
Description of Mark	The mark consists of an embroidered U with multiple threads hanging off the lower end of the U. The wording UNION is set off to the right of the U.		
Goods/Services	Class 025. First use: First Use: 2005/02/01 First Use In Commerce: 2005/02/01 clothing, namely, jackets, shirts, sweatshirts, tops, pants, jeans, shorts, and bottoms		

Attachments	78599398#TMSN.jpeg (1 page)(bytes) 78599481#TMSN.jpeg (1 page)(bytes) NOO.pdf (5 pages)(393035 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address

record by First Class Mail on this date.

Signature	/Kevin S. Costanza/
Name	Kevin S. Costanza
Date	04/24/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SEATTLE PACIFIC INDUSTRIES, INC.,)	Opposition No. _____
)	
Opposer,)	Serial No. 85/449657
)	
v.)	
)	
KEITH CULVER,)	
)	
Applicant.)	
)	Docket No. 920006.80030
_____)	

NOTICE OF OPPOSITION

Opposer Seattle Pacific Industries, Inc. ("Opposer"), which has a principal place of business in Seattle, Washington, believes it would be damaged by registration of the mark UNION THREAD shown in United States Trademark Application Serial No. 85/449657 filed by Keith Culver ("Applicant"), and published for opposition on March 27, 2012. Therefore, Opposer opposes the application.

The grounds for this opposition are as follows:

1. Opposer Seattle Pacific Industries, Inc. is a corporation organized under the laws of the State of Washington with an address at 1633 Westlake Avenue North, Seattle, Washington 98109.

2. Opposer is engaged in the sale and marketing of a variety of men's, women's, and children's apparel and related products.

3. Since as early as November 2001, prior to the October 18, 2011 filing date of Applicant's intent-to-use application, Opposer, its predecessor and licensees, collectively, have continuously engaged in the sale in commerce of clothing and related accessories under the mark UNION. Opposer has also begun selling and continues to sell clothing products under the marks UNION & Design and U UNION & Design.

4. Opposer is the owner of U.S. Trademark Registration No. 2,927,728 for the word mark UNION in International Class 25 for clothing, namely, jackets, raincoats, sweatshirts, jerseys, shirts, blouses, pants, tights, shorts, hats, caps, sweatbands, headbands, gloves belts, shoes, boots, and socks. The registration is valid and subsisting and has become incontestable.

5. Opposer is the owner of U.S. Trademark Registration No. 3,076,424 for its UNION & Design mark in International Class 25 for clothing, namely, jackets, shirts, tops, pants, shorts, jeans, and bottoms. The registration is valid and subsisting.

6. Opposer is the owner of U.S. Trademark Registration No. 3,082,240 for its U UNION & Design mark in International Class 25 for clothing, namely, jackets, shirts, sweatshirts, tops, pants, jeans, shorts, and bottoms. The registration is valid and subsisting.

7. Opposer's UNION, UNION & Design, and U UNION & Design marks (hereafter referred to as Opposer's "UNION Marks") symbolize extensive goodwill and consumer recognition developed by Opposer through sales of goods under the marks and through advertising, promoting and popularizing of the marks in the United States.

8. As a result of such use and advertising of Opposer's UNION Marks, the marks are recognized as identifying the high-quality goods sold under the marks. The marks and the associated goodwill are valuable assets of Opposer.

9. The mark UNION THREAD shown in Applicant's application consists of the words UNION and THREAD. Applicant's mark thus incorporates Opposer's UNION word mark identically and in its entirety.

10. Applicant has applied to register the UNION THREAD mark for the following goods in Application Serial No. 85/449657:

"Denims; Headwear; Hooded pullovers; Hooded sweat shirts; Jackets; T-shirts; Tank tops; Woven bottoms; Woven tops", in International Class 25.

The goods described in Applicant's application are identical and closely related to the goods on which Opposer's UNION Marks are used.

11. The goods described in Applicant's application to register UNION THREAD are so closely related to the goods described in Opposer's registrations for its UNION Marks that if the parties' respective products are sold under the same or confusingly similar marks, a likelihood of confusion will result.

12. Applicant's UNION THREAD mark for the goods described in the application is confusingly and deceptively similar to Opposer's UNION Marks for the goods described in Opposer's registrations, such that the trade and purchasing public will be confused and deceived into believing that Applicant's goods originate with or are authorized, sponsored, licensed or otherwise associated with Opposer.

13. On information and belief, Applicant has had no use of Applicant's Mark in commerce prior to the October 18, 2011 filing date of Applicant's intent-to-use application.

14. By reason of all of the foregoing, Opposer would be greatly damaged by the grant to Applicant of a registration for UNION THREAD for the goods described in the Application Serial Number 85/449657.

WHEREFORE, Opposer prays that this Opposition be sustained and the mark refused registration for the above-described goods.

DATED this 24th day of April, 2012.

Respectfully submitted,
SEED IP Law Group PLLC



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Attorneys for Opposer
SEATTLE PACIFIC INDUSTRIES, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 2012, the foregoing **NOTICE OF OPPOSITION** was served upon Applicant by United States first-class mail, postage-prepaid, addressed as follows:

Keith Culver
325 1/2 North Pine Street
Orange, California 92866



Kelly Brennan

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